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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,395	09/25/2001	Harald Jakob	P 265258 000345 PV	5500

909   7590   08/14/2003

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EXAMINER
LISH, PETER J

ART UNIT	PAPER NUMBER
1754	

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/961,395</td><td>Applicant(s)
JAKOB ET AL.</td><td></td></tr>
<tr><td>Examiner
Peter J Lish</td><td>Art Unit
1754</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover she t with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 February 2002</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3 and 8-10</u> is/are rejected.

7)☒ Claim(s) <u>4-7</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5-6</u> .   6)☐ Other: .

DETAILED ACTION

Claim Objections

Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a

multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP

§ 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brichard et al. (USPN 4,428,914).

Brichard et al. teach a process for the production and granulation of sodium percarbonate

by impregnating solid sodium percarbonate particles, or seeds, are impregnated with an aqueous

solution containing hydrogen peroxide and an aqueous solution containing sodium carbonate,

and water is evaporated from the seeds in a fluidized bed. Additives, such as stabilizers of

magnesium sulfate and sodium silicate are added to the aqueous solutions. The stabilizers are

generally added in amounts between 0.1-20 g of stabilizer per kg of sodium percarbonate

product, which is equivalent to between 100 – 20,000 ppm (column 4, lines 19-31). It would

have been obvious to one of ordinary skill in the art at the time of invention to use a magnesium

sulfate stabilizer in the amount of between 50-2,000 ppm, preferably in the amount between 200-1,000 ppm, as it is within the range taught by the reference. Brichard et al. teach that in most embodiments of his invention, the hydrogen peroxide stream contains the magnesium sulfate. Regarding claims 8-9, it is expected that the sodium percarbonate product of Brichard et al. will have identical properties to those claimed, as an identical process is used for its formation.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brichard et al. as applied to claims 8-9 above, and further in view of Bewersdorf et al. (USPN 5,714,201).

Brichard et al. teach that sodium silicate is added to the aqueous solutions as a stabilizer. However, they do not teach the specific amount to be added or the modulus. Bewersdorf et al. teach a similar fluidized bed process with the addition of a sodium silicate with a modulus between 1 and 3 to an aqueous solution. The sodium silicate is introduced in an amount between 0.1 and 2.5 wt%, preferably between 0.5 and 1 wt%, in each case calculated as SiO_2 and relative to sodium percarbonate (column 4, lines 5-11). It would have been obvious to one of ordinary skill in the art at the time of invention to add the sodium silicate, or waterglass, of Bewersdorf et al. as a stabilizer in the process of Brichard et al. While the amount and distribution of SiO2 is not explicitly taught, the product sodium percarbonate is expected to have between 0.1 and 1 wt% SiO_2 evenly distributed in the grain because it is made by a process which is identical to that claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter J Lish whose telephone number is 703-308-1772. The

examiner can normally be reached on 9:00-6:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stanley Silverman can be reached on 703-308-3837. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9310 for regular

communications and 703-305-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-0661.

PL
August 5, 2003

STUART L. HENDRICKSON
PRIMARY EXAMINER